

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Harvey Pratt

v.

Civil No. 05-cv-367-SM

New Hampshire Department of Corrections,
Commissioner, et al.

REPORT AND RECOMMENDATION

Plaintiff has once again sought preliminary injunctive relief. This time he claims entitlement to relief because he was transferred to the Berlin prison without adequate due process and because he has been erroneously classified.

Since he is not entitled to relief on either grounds as a matter of law, a hearing is unnecessary. First, an inmate may be transferred for any reason or no reason and is, therefore, not entitled to a hearing. See Meachum v. Fano, 427 U.S. 215, 225-28 (1976). Second, inmates "have no protectable property or liberty interest in custodial classification." Whitley v. Hunt, 158 F.3d 882, 889 (5th Cir. 1998). The motion fails as a matter of law.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of

Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992);

United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).



James R. Muirhead
United States Magistrate Judge

Date: May 3, 2007

cc: Harvey Pratt, pro se
Andrew B. Livernois, Esq.